

EXHIBIT 09

In The Matter Of:

*Students For Fair Admissions, Inc. v.
President and Fellows of Harvard College, et al.*

Roger Banks

May 4, 2017

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1 A. I'm sorry. I don't understand the question.

2 Q. Do you ever get referred phone calls from Mr.
3 Grant or his team?

4 A. Infrequently. If someone calls asking for me
5 in particular, yes; but under ordinary circumstances,
6 they're capable of fielding most calls that come in.

7 Q. Okay. Why would somebody ask for you in a
8 call to the phone bank?

9 MS. ELLSWORTH: Objection.

10 A. Oh, they might have heard that my name is
11 associated with a particular region of the country
12 that I cover. They may have seen me in an appearance
13 at a high school or in an information session. I'm
14 easily Googled, like everybody else on the planet,
15 and, you know, people can call in and ask for
16 particular individuals.

17 Q. Okay. What is your function with respect to
18 the UMRP?

19 A. I was director of the undergraduate minority
20 recruitment program from 1989 until 2012, I think, is
21 my best recollection.

22 Q. Okay. I want to ask you a few questions
23 about the UMRP. When did that program start; do you
24 know?

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1 A. Best I can determine, circa 1971, '72.

2 Q. Okay. And do you know why it was
3 implemented?

4 MS. ELLSWORTH: Objection.

5 A. Best I've been able to determine, based on
6 the concerns expressed by Harvard undergraduates to
7 the admissions office about -- about recruitment
8 of -- of minority students.

9 Q. Okay. So what's your understanding of the
10 goal of the program?

11 MS. ELLSWORTH: Objection.

12 A. Oh, the goal of the program is to -- is to
13 seek out, identify, attract, minority students and
14 all other students who are interested in learning
15 about the educational opportunities at Harvard
16 College.

17 Q. You added in "all other students" at the end,
18 and I guess I'm a little bit confused. The program
19 seems focussed on minorities; correct?

20 MS. ELLSWORTH: Objection.

21 A. But not exclusively so.

22 Q. Okay. So how does it reach out to non-
23 minorities?

24 MS. ELLSWORTH: Objection.

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1 A. Well, one sort of instance I can cite is one
2 program -- one prong of the program was to send
3 current undergraduates back to their high schools to
4 talk to students, and all students were welcome to
5 attend those -- those presentations and seminars, et
6 cetera.

7 Q. Okay. So some of the programming is open to
8 students regardless of their race?

9 MS. ELLSWORTH: Objection.

10 A. Correct.

11 Q. Okay. Can you tell me how the program is
12 structured?

13 A. Well, let's see. There was a director at the
14 top.

15 Q. That's you?

16 A. That would be -- that was me.

17 Q. Was you.

18 A. And a team of ten undergraduate coordinators
19 representing five different demographic segments, two
20 students per segment.

21 Q. Okay. What are those five demographic
22 groups?

23 A. African-American, Asian-American, Latino or
24 Hispanic, Mexican-American, and Native American.

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1 A. By each category?

2 Q. Correct.

3 A. For academics, an amalgamation of grades,
4 quality of academic program, teacher recommendations,
5 test scores, some sense of the student's writing
6 skills. Extracurricularly, quality of achievement,
7 strength of performance in any particular domain,
8 personal qualities, some grasp of the candidate's
9 personality, interest in other people, cooperation
10 with others, a sense of responsibility as gleaned
11 from teacher recommendations, personal interview,
12 personal essay, et cetera.

13 Q. Okay. So for the last category, the -- the
14 main inputs you would look at were recommendations,
15 interview, and anything else?

16 A. The candidate's essay.

17 Q. And the essay.

18 A. Yes.

19 Q. Okay. Anything else that goes into that last
20 score?

21 MS. ELLSWORTH: Objection.

22 A. Not that I can recall, no.

23 Q. Is race factored into that score?

24 MS. ELLSWORTH: Objection.

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1 A. No.

2 Q. How is race used in the admissions process?

3 MS. ELLSWORTH: Objection.

4 A. As a background variable among many other
5 variables, as part of one's individual narrative.

6 Q. And the individual's narrative would be
7 reflected in their essay and recommendations?

8 A. Yes.

9 Q. Okay. And so I guess that's why I was asking
10 whether race, even if indirectly, whether it would
11 factor into the personal score.

12 MS. ELLSWORTH: Objection.

13 A. Not in my experience.

14 Q. Have you ever attempted to guess what a class
15 would look like if the application process was race-
16 blind?

17 MS. ELLSWORTH: Objection.

18 A. No.

19 Q. Do you recall any conversations about that?

20 MS. ELLSWORTH: Objection.

21 A. Yes.

22 Q. What do you recall specifically?

23 MS. ELLSWORTH: Objection. I'll
24 just remind the witness not to disclose

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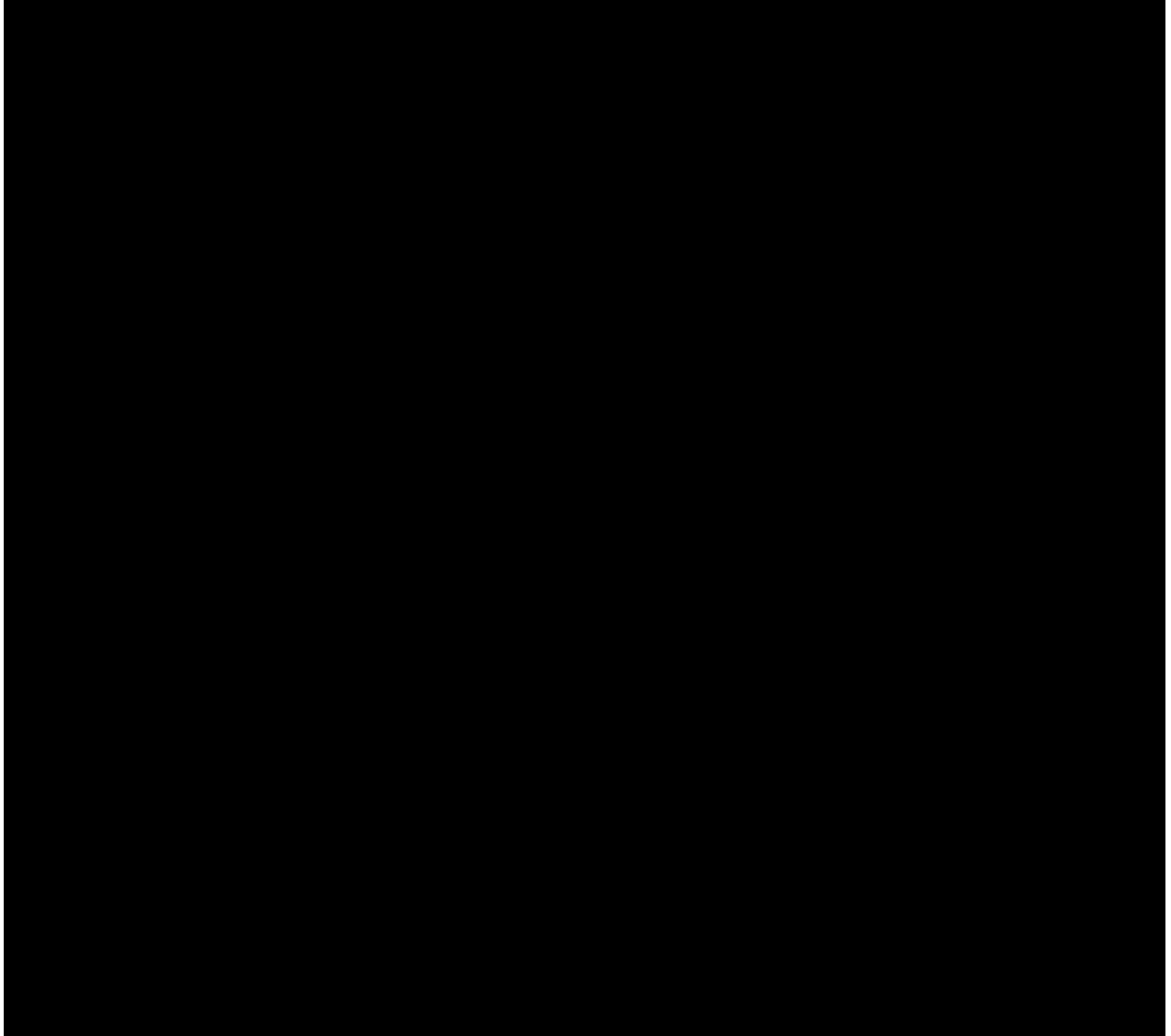
1 looking at as you review this in real time.

2 A. Sure.

3 MS. ELLSWORTH: Objection.

4 A. Well, next to my initials, my administrative
5 initials, is the school code. College Board assigns
6 a school code.

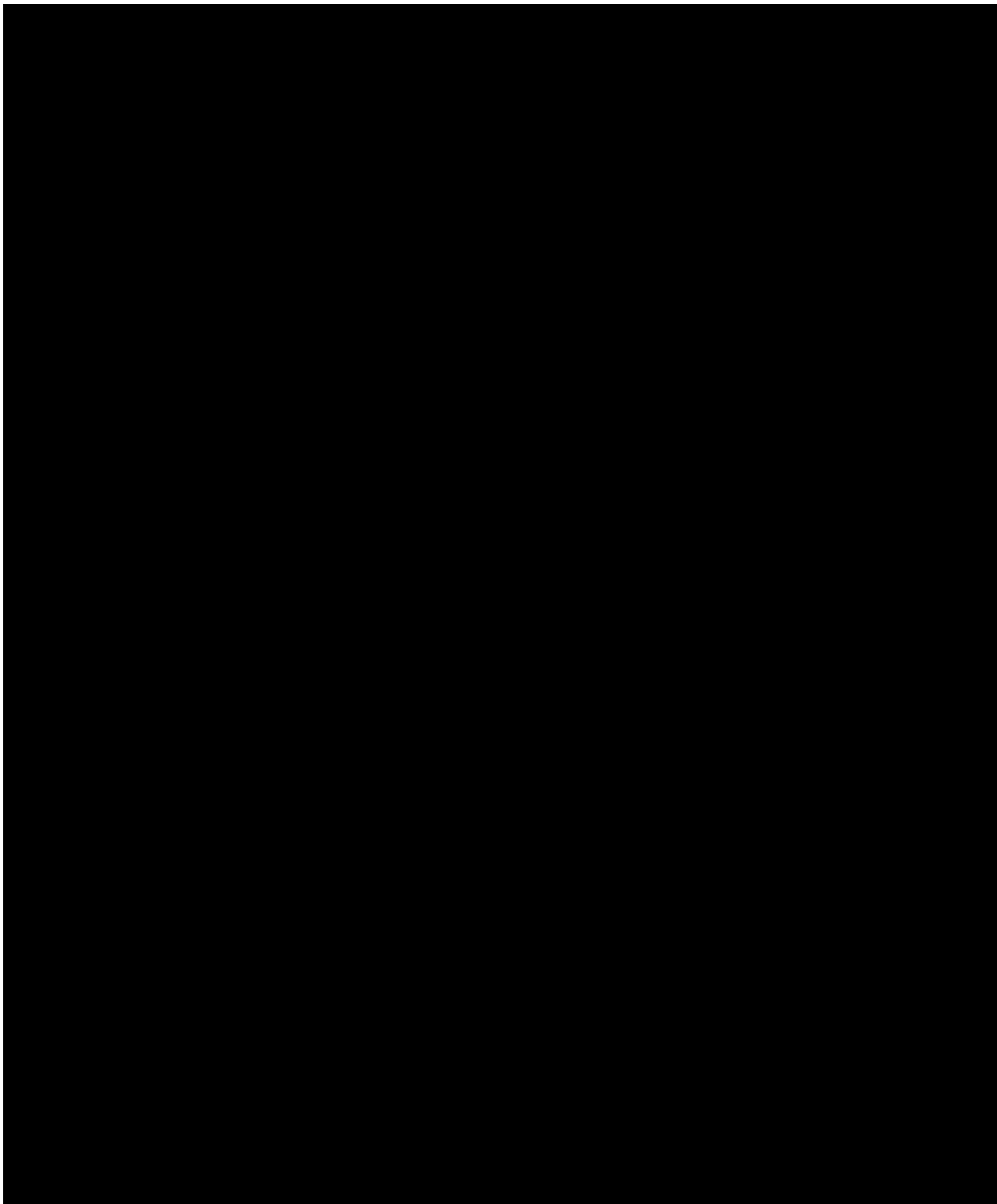
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1 Q. Okay. Do you have a sense of how common that
2 is?

3 MS. ELLSWORTH: Objection.

4 A. I don't.

5 Q. Have you heard that it is -- that Asian
6 students are increasingly not reporting ethnicity?

7 MS. ELLSWORTH: Objection.

8 A. I have heard that Asian students -- some
9 Asian students do not report their ethnicity.

10 Q. When students do not report the ethnicity, is
11 there any effort to find out from other parts of the
12 application what the ethnicity is?

13 MS. ELLSWORTH: Objection.

14 A. No.

15 Q. Okay. What about the S -- the handwritten S
16 to the left of that?

17 A. That indicates deferral, that the recommended
18 action on the case is defer from early action, to be
19 considered -- to be considered through regular
20 action.

21 Q. What does S stand for? It's kind of counter-
22 intuitive.

23 A. I don't know. It's -- it's, you know,
24 admissions code. I don't think it stands for

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SUFFOLK, SS.

I, JAMES A. SCALLY, RMR, CRR, a Certified Shorthand Reporter and Notary Public duly commissioned and qualified in and for the Commonwealth of Massachusetts, do hereby certify that there came before me on the 4th day of May, 2017, at 9:00 a.m., the person hereinbefore named, ROGER BANKS, who provided satisfactory evidence of identification as prescribed by Executive Order 455 (03-13) issued by the Governor of the Commonwealth of Massachusetts, was by me duly sworn to testify to the truth and nothing but the truth of his knowledge concerning the matters in controversy in this cause; that he was thereupon examined upon his oath, and his examination reduced to typewriting under my direction; and that this is a true record of the testimony given by the witness to the best of my ability.

I further certify that I am neither attorney or counsel for, nor related to or employed by, any of the parties to the action in which this deposition is taken, and further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in the action.

My Commission Expires: April 8, 2022

James A. Scally, RMR, CRR
CSR/Notary Public